–

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 2849 of 1994

Between:

1 Ganti Cooperative Collective Farming Society Rep.by its President, Saka Babu Rao Ganti,Kothapet Mandal E.G.Dist.
2 N.Dharmaiah S/o.Somanna R/o.Ganti,Kothapet Mandal E.G.Dist.
3 Kagita Venkata Reddy S/o.K.Ramulu R/o.Ganti,Kothapet Mandal E.G.Dist.
4 S.Venkatrao S/o.Subbaba R/o.Ganti,Kothapet Mandal E.G.Dist.

..... PETITIONERS

AND

1 The Dist Collector
Kakinada E.G.Dist.
2 The Revenue Divisional Officer
Amalapuram E.G.Dist.
3 The Mandal Revenue Officer
P.Gnanavaram Mandal P.Gnanavaram
E.G.dist.
4 Station House Officer
P.Gnanavaram P.Gnanavaram Mandal
E.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particulalry one in nature of Writ of Mandamus, directing the respondents 1 to 3 herein to grant pattas to an extent of Ac.30-54 cents covered by lanka Nos.988 and 1059 of G.Pedapudi Village,P.Gnagavaram Mandal,E.G.Dist, in favour of the 1st petitioner society members, as per G.O.Ms.No.970,Revenue (Q) Dept, dt.25-8-1976, and G.O.Ms.No.485, dt.30-4-1977 and memorandum of Govt.No.2003/Q1/77-2 Revenue, dt.24-6-1977; and to pass such other order or orders.

Counsel for the Petitioners: MR.G.KRISHNA MURTHY

Counsel for the Respondent Nos.1 to 4: GP FOR ASSIGNMENT

The Court made the following :

-

-

-

-

-

-

-

-

ORDER:

-

-

-

This Writ Petition is filed, seeking Writ of Mandamus, to direct the respondents 1 to 3 herein to grant pattas to the members of the first petitioner-Society to an extent of Ac.30-54 cents covered by lankaa lands situated in Sy. Nos. 988 and 1059 of G.Peddapudi village, P.Gannavaram Mandal, East Godavari District, by considering their claim as per the benefit extended in G.O.Ms.No. 970, dated 25-8-1976 and G.O.Ms.No. 485, dated 30-4-1977.

It is the case of the petitioners that the first petitioner is the Cooperative Society registered under the A.P. Cooperative Societies Act, 1964 and Petitioner Nos. 2,3, and 4 herein are the members of the first petitioner-Society. It is the case of the petitioners that the first petitioner-Society and its members are in long standing possession of the Lankaa lands, admeasuring Ac.30.54 cents and in view of their long standing possession, the Government itself granted lease for a period of ten years by proceedings dated 16-10-1971 and

thereafter, the same was renewed by proceedings dated 25-10-1981. It is the further case of the petitioners that in spite of the fact that there are entitle for pattas, their claims have not been considered as per the benefit extended in G.O.Ms.No. 970, dated 25-8-1976 and G.O.Ms.No. 485, dated 30-4-1977.

In the counter affidavit filed on behalf of the respondents 1 to 3, it is stated that the members of the first petitioner-Society are not the natives of G.Pedapudi village and they have encroached to an extent of Ac.14.30 cents of Lanka lands situated in Sy.Nos. 988 and 1059 of G.Peddapudi village. It is further stated that as there was law & order problem due to the dispute between the members of the petitioner-Society and G.Peddapudi village with regard to the land in question, the Revenue Divisional Officer has settled their claims and, the petitioner-Society is allowed to retain to an extent of Ac.14.30 cents of land situated in Sy.Nos. 988 and 1059 of G.Peddapudi village. It is also stated that pattas will be given to the members of the petitioner-Society to an extent of Ac.14.30 cents.

In view of the averments in the counter affidavit, that the petitioner-Society has accepted the land to an extent of Ac.14.30 cents to retain in its possession, no further direction can be issued to the respondents to consider their claim for the entire extent of Ac.30.54 cents. As much as pattas are not yet issued, as stated in the Counter affidavit, the respondents are directed to consider the eligibility for grant of pattas to the members of the petitioner-Society as per the existing rules in force and take steps accordingly.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 16-12-2004

Msnr.

To

1 The Dist Collector
Kakinada E.G.Dist.
2 The Revenue Divisional Officer
Amalapuram E.G.Dist.
3 The Mandal Revenue Officer
P.Gnanavaram Mandal P.Gnanavaram
E.G.dist.
4 Station House Officer
P.Gnanavaram P.Gnanavaram Mandal
E.G.Dist.

5. Two CCs to G.P for Revenue, High Court Buildings, High Court of A.P.Hyderabad(OUT)

6. Two CD copies.